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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/593,370	04/27/2007	Markus Bauer	3867	8881
278	7590	03/21/2008	EXAMINER	
MICHAEL J. STRIKER 103 EAST NECK ROAD HUNTINGTON, NY 11743			NGUYEN, CHAUN	
ART UNIT	PAPER NUMBER			
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/593,370	<b>Applicant(s)</b> BAUER ET AL.
	<b>Examiner</b> Chau N. Nguyen	<b>Art Unit</b> 2831

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_ is/are allowed.
- 6) Claim(s) 1-15 is/are rejected.
- 7) Claim(s) \_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 20 September 2006 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date 9/20/06
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Specification***

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

#### **Arrangement of the Specification**

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.
- (f) BACKGROUND OF THE INVENTION.
  - (1) Field of the Invention.
  - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a

nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1, line 2, "the grooves" lacks antecedent basis.

Claim 1, line 4, "the groove area" lacks antecedent basis.

Claim 7, line 2, "two nominal contact points" is unclear to how these two points to the nominal contact point already cited in claim 5.

Claim 9, lines 1-2, "the connection lug" and "the nominal contact point" lacks antecedent basis.

Claim 15, lines 1-3, "long-stator", "grooves", and "current winding" are unclear to how these elements relate to the stator, grooves and winding already recited in claim 1.

Claims 2-6, 8, and 10-14 are included in this rejection because of dependency.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Funken et al. (6,124,550).

Funken et al. (Figures 1-3 and 6) discloses a device for connecting an, at least in part, electrically conductive sheath of an alternating current winding (12), which is placed into grooves (11) of a long-stator, to a ground conductor (15), comprising a sleeve (13) partly enclosing the winding in the grooves and made of stainless steel (col. 3, line 14), The sleeve being provided with at least one longitudinal end with a connecting element (17) also made of stainless steel for the ground conductor.

Funken et al. does not disclose the ground conductor is made of a non-corrosive metal which is stainless steel. However, it would have been obvious to

one skilled in the art to use non-corrosive metal, such as stainless steel, for the ground conductor of Funken et al. to provide a good electrical contact between the conductive sheath and the ground conductor in a long term since stainless steel is well-known in the art for its highly corrosion resistance.

5. Claims 3, 4 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Funken et al. in view of Cope (963,035).

Funken et al. discloses the invention substantially as claimed including the connecting element being connected in a one-part configuration by means of a connection lug (16) to the sleeve. Funken et al. does not disclose the connecting element being a spring channel destined for resilient accommodation of the ground conductor. Cope discloses a device for connecting a cable to a ground conductor, comprising a connecting element (G) which is a spring channel destined for resilient accommodation of the ground conductor. It would have been obvious to one skilled in the art to modify the connecting element (17) of Funken et al. to be a spring channel as taught by Cope to simplify the connection steps by just inserting the ground conductor into the channel instead of welding. Noted that the features of the connecting element and the lug reducing the transition resistances from the sheath of the winding to the sleeve and from the sleeve to the ground conductor,

are disclosed in the modified device of Funken et al. since it comprises structure and material as claimed.

6. Claims 5-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Funken et al. in view of Gronowicz, Jr. (5,767,449).

Funken et al. discloses the invention substantially as claimed except for the sleeve being provided with two nominal contact points, each being comprised of a bead and being provided at outer edges and longitudinal ends of the sleeve. Gronowicz, Jr. discloses a device for connecting a conductive sheath to a ground conductor, comprising a sleeve which is provided with nominal contact points comprising bead (24, 124), wherein the bead has such as radial height that it presses itself into the sheath. It would have been obvious to one skilled in the art to provide beads at the outer edges and at the longitudinal ends of the sleeve of Funken et al. such that the beads would press into the conductive sheath as taught by Gronowicz, Jr. to improve the electrical contact between the sleeve and the sheath.

***Double Patenting***

7. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to

prevent the unjustified or improper timewise extension of the “right to exclude” granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

8. Claims 1 and 10-15 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 7, 9, 10, and 21 of copending Application No. 10/593,594 in view of Funken et al. Claims 7, 9, 10 and 21 of the copending application ('594) disclose the invention substantially as claimed except for a sleeve which partly encloses the winding the groove area, made of stainless steel, and is provided with a stainless steel connecting element at one longitudinal end. Funken et al. discloses a device for connecting a conductive sheath of a winding to a ground conductor, comprising a sleeve (13) which is made of stainless steel, partly encloses the winding the groove area, and is provided with

a stainless steel connecting element at one longitudinal end. It would have been obvious to one skilled in the art to use the sleeve as taught by Funken et al. in the device of '594 to improve the electrical contact between the conductive sheath the ground conductor.

This is a provisional obviousness-type double patenting rejection.

***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chau N. Nguyen whose telephone number is 571-272-1980. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diego F.F. Gutiérrez can be reached on 571-272-2800 ext 31. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Chau N Nguyen/

Chau N Nguyen  
Primary Examiner  
Art Unit 2831